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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,900	02/28/2002	Gerald Burt Kliman	RD-28364	9256

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EXAMINER

WAKS, JOSEPH

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 03/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/683,900

Applicant(s)

KLIMAN ET AL.

Examiner

Joseph Waks

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 1-15 and 20-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-19 and 34-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-15 and 20-33, drawn to method of making a stator for dynamoelectric machine, classified in class 29, subclass 596.
  - II. Claims 16-19 and 34-44, drawn to a stator structure, classified in class 310, subclass 254.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the composite teeth and the winding may be molded together prior to positioning the winding on the stator yoke.
3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Ann M. Agosti on February 11, 2003 a provisional election was made with traverse to prosecute the invention of II, claim 16-19 and 34-38. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-15 and 20-33 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Drawings***

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the insulation comprising the corrugated material as recited in claim 18, the discrete teeth and tooth connectors as recited in claim 39 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

7. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the insulation comprising corrugated material as recited in claim 18 and discrete teeth and tooth connectors as recited in claim 39.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. **Claims 18 and 39** are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Neither specification nor the drawings describe or show the insulation comprising corrugated material as recited in claim 18 and the discrete teeth and tooth connectors as recited in claim 39.

10. **Claims 18 and 39** are also rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

For the reasons indicated above one skilled in the art would not be able to make and/or use the invention.

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. **Claims 16, 18, 38, and 40-44** are rejected under 35 U.S.C. 102(b) as being anticipated by **Rosenberry (US 4,392,072)**.

**Rosenberry** discloses a machine stator having windings 13, 13A, 13B with a wound shape providing space for the tooth tip shape, a laminated stator yoke 2 around the

windings, the molded composite tooth tips 3'-6' between the windings and the yoke, and the insulation 14, 14A, 14B around the windings.

13. **Claims 34, 35, and 37** are rejected under 35 U.S.C. 102(b) as being anticipated by **Ryder et al. (US 2,607,816)**.

**Ryder et al.** disclose a machine stator comprising windings 28 around laminated stator teeth 12 and the stator yoke 14, the windings include the wider winding portion closer to the yoke than the narrower portion.

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Rosenberry (US 4,392,072)** in view of **Ryder et al. (US 2,607,816)**.

**Rosenberry** discloses the machine essentially as claimed. However, **Rosenberry** does not disclose the yoke having key notches.

**Ryder et al.** discloses the stator yoke 14 having keyed notches 32 for the purpose of connecting the poles 12 to the yoke.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the machine as taught by **Rosenberry** and to provide key notches as taught by **Ryder et al.** for the purpose of connecting the poles to the yoke.

16. **Claim 19** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Rosenberry (US 4,392,072)** in view of **Bansal et al. (US 4,994,700)**.

**Rosenberry** discloses the machine essentially as claimed. However, **Rosenberry** does not disclose the insulation comprising the corrugated material.

**Bansal et al.** discloses the stator yoke 16 having an insulation 34' including the corrugated material for the purpose of constraining forces on the windings 30.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the machine as taught by **Rosenberry** and to provide the insulation comprising the corrugated material as taught by **Bansal et al.** for the purpose of constraining forces on the windings.

17. **Claim 36** rejected under 35 U.S.C. 103(a) as being unpatentable over **Ryder et al. (US 2,607,816)**. in view of **Baronosky et al. (US 5,866,965)**.

**Ryder et al.** discloses the machine stator essentially as claimed. However, **Ryder et al.** do not disclose the stator windings comprising a flat wound stator winding.

**Baronosky et al.** disclose the machine stator including the flat wound stator winding 15 for the purpose of maximizing the winding density, thus maximizing the strength of the magnetic field generated by the stator.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the stator as taught by **Ryder et al.** and to provide the stator windings comprising a flat wound stator winding as taught by **Baronosky et al.** for the purpose of maximizing the winding density, thus maximizing the strength of the magnetic field generated by the stator.

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*Prior Art*

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

*Communication*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Waks whose telephone number is (703) 308-1676. The examiner can normally be reached on Monday through Thursday 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor R Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-1341 for regular communications and (703) 305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

  
JOSEPH WAKS  
PRIMARY PATENT EXAMINER  
TC-2800

JW  
February 13, 2003